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18 SAN FRANCISCO BAY AREA RAPID TRANSIT  
19 DISTRICT

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA

22 SAN FRANCISCO BAY AREA RAPID  
23 TRANSIT DISTRICT,

24 Plaintiff,

25 vs.

26 GE TRANSPORTATION SYSTEMS  
27 GLOBAL SIGNALING, LLC,

28 Defendant.

Case No. C 06 3749 JSW

JOINT STIPULATION AND [PROPOSED]  
ORDER DISMISSING THE SECOND  
AMENDED COUNTERCLAIM  
[F.R.Civ.P. 41(a) and 41(c)]

Judge: Hon. Jeffrey S. White

Complaint Filed: June 13, 2006  
Trial Date: August 30, 2010

1  
2 AND RELATED COUNTERCLAIM.  
3

4 Pursuant to Rules 41(a) and 41(c) of the Federal Rules of Civil Procedure, Plaintiff and  
5 Counterdefendant SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART")  
6 and Defendant and Counterclaimant GE TRANSPORTATION SYSTEMS GLOBAL  
7 SIGNALING, LLC ("GETS") hereby stipulate that:

8 1. In light of the Court's ruling as to exclusive remedies under the contract, GETS  
9 wishes to voluntarily dismiss its Second Amended Counterclaim, and the Court may order its  
dismissal; and

10 2. BART waives any right to claim costs that might otherwise arise based on this  
11 voluntary dismissal of GETS' counterclaim (28 USC §1920). This waiver does not affect  
12 BART's right to claim costs in the event that it is entitled to such costs for prevailing on its own  
13 claims.

14 IT IS SO STIPULATED

15 DATED: July 13, 2010

16 FARELLA BRAUN + MARTEL, LLP

17 By:   
18 Charles M. Sink

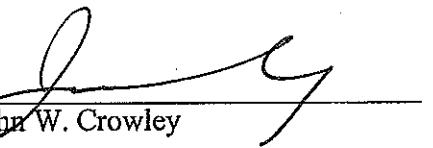
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28 Attorneys for Defendant and Counterclaimant  
GE TRANSPORTATION SYSTEMS GLOBAL  
SIGNALING, LLC

1 DATED: July 13, 2010

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15 SAN FRANCISCO BAY AREA RAPID  
16 TRANSIT DISTRICT

17 [PROPOSED] ORDER

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20 DATED: July 14, 2010

21   
22 Hon. Jeffrey S. White  
23 United States District Court Judge